



Sen. Michael E. Hastings

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09900SB2800sam001

LRB099 20673 SMS 46115 a

1 AMENDMENT TO SENATE BILL 2800

2 AMENDMENT NO. _____. Amend Senate Bill 2800 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Funeral Directors and Embalmers Licensing
5 Code is amended by changing Section 15-45 as follows:

6 (225 ILCS 41/15-45)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 15-45. Practice without license; injunction; cease
9 and desist order; civil penalties.

10 (a) The practice of funeral directing and embalming or
11 funeral directing by any person who has not been issued a
12 license by the Department, whose license has been suspended or
13 revoked, or whose license has not been renewed is hereby
14 declared to be inimical to the public welfare and to constitute
15 a public nuisance. The Secretary may, in the name of the People
16 of the State of Illinois through the Attorney General of the

1 State of Illinois, or the State's Attorney of any county in
2 which the violation is alleged to have occurred in the State of
3 Illinois, or any licensee, any interested party, or any person
4 injured thereby, may apply for an injunction in the circuit
5 court to enjoin any person who has not been issued a license or
6 whose license has been suspended or revoked, or whose license
7 has not been renewed, from practicing funeral directing and
8 embalming or funeral directing. Upon the filing of a verified
9 complaint in court, the court, if satisfied by affidavit or
10 otherwise that the person is or has been practicing funeral
11 directing and embalming or funeral directing without having
12 been issued a license or after his or her license has been
13 suspended, revoked, or not renewed, may issue a temporary
14 restraining order or preliminary injunction, without notice or
15 bond, enjoining the defendant from further practicing funeral
16 directing and embalming or funeral directing. A copy of the
17 verified complaint shall be served upon the defendant and the
18 proceedings shall thereafter be conducted as in other civil
19 cases. If it is established that the defendant has been or is
20 practicing funeral directing and embalming or funeral
21 directing without having been issued a license or has been or
22 is practicing funeral directing and embalming or funeral
23 directing after his or her license has been suspended, revoked,
24 or not renewed, the court may enter a judgment perpetually
25 enjoining the defendant from further practicing funeral
26 directing and embalming or funeral directing. In case of

1 violation of any injunction entered under this Section, the
2 court may summarily try and punish the offender for contempt of
3 court. Any injunction proceeding shall be in addition to, and
4 not in lieu of, all penalties and other remedies in this Code.
5 Reasonable attorney's fees and costs may be awarded to the
6 licensee, interested party, or person injured that
7 successfully obtains injunctive relief, whether by consent or
8 court order.

9 (b) Whenever, in the opinion of the Department, any person
10 or other entity violates any provision of this Code, the
11 Department may issue a notice to show cause why an order to
12 cease and desist should not be entered against that person or
13 other entity. The rule shall clearly set forth the grounds
14 relied upon by the Department and shall provide a period of 7
15 days from the date of the rule to file an answer to the
16 satisfaction of the Department. Failure to answer to the
17 satisfaction of the Department shall cause an order to cease
18 and desist to be issued immediately.

19 (c) (Blank).

20 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11;
21 97-1130, eff. 8-28-12.)".